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COMMISSION ON HUMAN RIGHTS

Forty-ninth session

SUMMARY RECORD OF THE 57th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 5 March 1993, at 3 p.m.

Chairman: Mr. ENNACEUR (Tunisia)

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(a) Torture and other cruel, inhuman or degrading treatment or punishment;

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(c) Question of enforced or involuntary disappearances;

(d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (continued)

The meeting was called to order at 3.25 p.m.

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 17) (continued) (E/CN.4/1993/L.25/Rev.1)

Draft resolution on the succession of States in respect of international human rights treaties (E/CN.4/1993/L.25/Rev.1)

1. Mr. BOITCHENKO (Russian Federation), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Germany and Poland, said that most of the provisions of the draft resolution were self-explanatory. In recent times, many States had collapsed and it was important to maintain consistency by ensuring that the human rights obligations they had undertaken were fulfilled by their successor States.

2. It was entirely logical that such States should be responsible for the obligations entered into by their predecessors in order to ensure stability in the protection of human rights and fundamental freedoms. Needless to say, official confirmation by successor States that they intended to fulfil the obligations of the predecessor State was valuable in strengthening the international legal system for human rights protection and in increasing the efficiency of national human rights protection. During the preliminary consultations, there had been general agreement on the vital importance of the question and the sponsors hoped that the draft resolution could be adopted by consensus.

3. Draft resolution E/CN.4/1993/L.25/Rev.1 was adopted.

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 20) (continued) (E/CN.4/1993/L.36)

Draft resolution on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/1993/L.36)

4. Mr. ERMACORA (Austria), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Canada, Republic of Korea and United States of America and the observers for Nicaragua and Slovakia, said that the adoption by the General Assembly of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities constituted a very important step in terms of standard-setting for the promotion and protection of minorities. In view of the growing frequency of conflicts concerning minorities in many countries, and their often tragic consequences, the Declaration was extremely timely.

5. The main purpose of the draft resolution was to give effect to the contents of the Declaration in the work of the Commission and its subsidiary bodies. It called upon States to promote the principles of the Declaration and urged treaty bodies and special representatives, special rapporteurs and working groups of the Commission on Human Rights and the Sub-Commission on the Prevention of Discrimination and Protection of Minorities to give due regard

to it within their mandates. It also underlined the role of intergovernmental and non-governmental organizations in the promotion and protection of minority rights.

6. Draft resolution E/CN.4/1993/L.36 was adopted.

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 22) (continued) (E/CN.4/1993/L.50/Rev.1)

Draft resolution on the implementation of the Declaration on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief (E/CN.4/1993/L.50/Rev.1)

7. Mr. SWIFT (Observer for Ireland), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegation of Zambia, said that the resolution reaffirmed that freedom of thought, conscience, religion and belief was a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination. At the same time, it expressed alarm that serious incidents of intolerance and discrimination on the grounds of religion or belief were occurring in many parts of the world, including acts of violence. It thus stressed the need for further efforts to promote and protect the right to freedom of religion and belief and to eliminate hatred, intolerance and discrimination, detailing a number of actions that could be taken by States to that end.

8. The draft resolution also recognized that groups and individuals must practise tolerance and refrain from discrimination if the aims of the Declaration were to be fully realized. It set out ways and means for the United Nations system to further the aims of the Declaration, through its promotional and public information activities and its programme of advisory services and also encouraged Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively.

9. Draft resolution E/CN.4/1993/L.50/Rev.1 was adopted.

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-FOURTH SESSION (agenda item 19) (continued) (E/CN.4/1993/L.58-L.60, L.65, L.66 and L.67; E/CN.4/1993/2-E/CN.4/Sub.2/1992/58, chapter I, section B, draft decisions 1, 2, 9, 10 and 13)

Draft resolution on the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (E/CN.4/1993/L.58)

10. Mr. PETERS (Netherlands), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Colombia and Costa Rica, said that the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery was governed by a mandate deriving from General Assembly resolution 46/122 and was used essentially to provide assistance to victims of slavery and to enable representatives of non-governmental organizations to attend sessions of the Working Group on contemporary forms of slavery.

11. A new element in the draft resolution was to be found in operative paragraph 1, which welcomed the recent appointment by the Secretary-General of a Board of Trustees. The first meeting of the Board was to be held at the end of March 1993, when the Fund could begin to operate. The number of donors was so far very limited and it was to be hoped that more contributions would be made.

12. Draft resolution E/CN.4/1993/L.58 was adopted.

Draft resolution on the report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1993/L.59)

13. Mr. PETERS (Netherlands), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Colombia, Costa Rica, Iran (Islamic Republic of) and Republic of Korea and the observers for Belgium, Norway and the Philippines, said that the draft resolution recalled the provisions of the main relevant conventions and took note of the report of the Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/1992/34). The only new element was in operative paragraph 12, which recommended that Governments should avail themselves of the possibility of requesting assistance under the United Nations programme of advisory services in the field of human rights and of the technical assistance programmes of the specialized agencies. Otherwise, the draft resolution was broadly similar to those adopted in previous years and the sponsors hoped that it could be adopted by consensus.

14. Mr. KHOURY (Syrian Arab Republic) said that his delegation was unable to accept operative paragraph 4 of the draft resolution, since it believed that no Government should have to explain in writing why it could not accede to a convention.

15. Mr. PETERS (Netherlands) said that States were only being invited to provide explanations and there was no element of compulsion. In any case, the provision in question had appeared in the resolutions adopted at the three previous sessions. Indeed, his own country was not a party to all the conventions and had thus explained its position in writing two years previously.

16. Mr. ALFONSO MARTINEZ (Cuba) said that he understood the concern expressed by the representative of the Syrian Arab Republic and felt that it could be addressed by inserting the words "if they so wished" after the words "in writing", thereby making it clear that the decision rested with the States in question.

17. Mr. PETERS (Netherlands) said that the sponsors were willing to accept the amendment proposed by the representative of Cuba.

18. Draft resolution E/CN.4/1993/L.59, as amended, was adopted.

Draft resolution on the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1993/L.60)

19. Mr. ROSENGARTEN (Germany), introducing the draft resolution on behalf of its sponsors, recalled that Commission resolution 1992/66 had been the outcome of long and serious discussions within both the Sub-Commission and the Commission, prompted by the widely-held view that the working methods of the Sub-Commission needed to be improved and its coordination with the Commission strengthened. It was therefore particularly gratifying that the Sub-Commission had taken up most of the suggestions put forward in the Commission resolution, and the 17 guidelines which the Sub-Commission had set out in its own resolution 1992/8 constituted an extremely important step in the right direction, as recognized in operative paragraphs 3 and 4 of the draft resolution.

20. Although the draft resolution did not revert to the proposals not taken up by the Sub-Commission in its guidelines, it did not preclude further discussion in the Sub-Commission on its work. The sponsors had accepted a suggestion made by the Chairman of the Sub-Commission that the words "research and the" should be deleted in operative paragraph 6. It was the hope of the sponsors that the draft resolution could be adopted by consensus.

21. Mr. PACE (Secretary of the Commission) said that the delegations of the Republic of Korea, Romania and the United States of America had joined the sponsors of the draft resolution, while the delegation of France had withdrawn its sponsorship.

22. Mr. ALFONSO MARTINEZ (Cuba) said that his delegation welcomed the understanding and good will shown during the negotiations and felt that the draft resolution represented a positive contribution to mutual understanding, cooperation and respect in relations between the Sub-Commission and the Commission. As a member of the Sub-Commission, he appreciated the fruitful dialogue that had been held.

23. Draft resolution E/CN.4/1993/L.60, as orally revised, was adopted.

24. Mr. TABATABAEE (Islamic Republic of Iran) said that his delegation was concerned at the duplication and waste of resources inherent in the work of the Sub-Commission and had wanted that concern to be reflected in the draft resolution. It felt that the work of the Sub-Commission should be further rationalized and, had a vote been taken on the draft resolution, it would have abstained.

Draft resolution on human rights and disability (E/CN.4/1993/R.65)

25. Mr. MARANTZ (Canada), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Austria, Bulgaria and Costa Rica and the observers for El Salvador, Ireland, Italy and the Philippines said that the purpose of the resolution was to continue the development of processes for addressing the rights of persons with disabilities, whose numbers increased every year. The resolution recaptured the start the Commission had made in 1992; if some provisions were new, it was because they reflected action taken and set the stage for action to come.

26. A sound foundation of knowledge and familiarity with the subject-matter was necessary. The Committee on Social Development was already addressing the policy and programme needs of persons with disabilities and it was expected that the continuation of processes for addressing issues relating to disabilities, combined with the conclusions of the World Conference on Human Rights, would result in proposals for Governments which would be a challenge in the years to come.

27. There was no doubt that the attention of Governments had been seized. Seventy-three ministers and senior representatives had attended the October 1992 meeting in Canada, 16 ministers from all regions of the world composed the Working Group of Ministers on Disability and the draft resolution itself had attracted the broadest sponsorship.

28. Draft resolution E/CN.4/1993/R.65 was adopted.

Draft resolution on the International Year of the World's Indigenous People, 1993 (E/CN.4/1993/L.66)

29. Mr. MARANTZ (Canada), speaking on behalf of the sponsors of the draft resolution, which had been joined by the delegations of Chile, Finland, Netherlands and Nigeria and the observer for the Philippines, said that the purpose of the resolution was to strengthen international cooperation to resolve the problems faced by indigenous communities.

30. He drew the Commission's attention to two revisions of a technical nature, already contained in the text, designed to add precision to the original text. Operative paragraph 4 had been revised to welcome a decision taken in the General Assembly, while the original operative paragraph 10 had been moved to precede operative paragraph 5 for the same reason and an implementation clause had been added, consistent with the conclusions of UNCED.

31. The sponsors had paid careful attention to the new ideas put forward by indigenous organizations. It was only natural that, in the International Year, the representatives of indigenous peoples should have an opportunity to voice their concerns about their situations and their future at the World Conference on Human Rights. Operative paragraph 8 addressed that view while acknowledging that the authority for responding remained vested in the Preparatory Committee for the World Conference.

32. Operative paragraph 11 responded to the request by General Assembly resolution 47/75 to the Working Group on Indigenous Populations and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to complete their consideration of the draft universal declaration of indigenous rights at their forthcoming sessions.

33. The sponsors were very much aware that the Working Group had an important mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous people. His own Government considered that the Working Group had contributed greatly to the progress of indigenous aspirations.

34. He proposed a minor revision to operative paragraph 11, with the insertion of "to make its best efforts" after the words "Indigenous Populations". He further proposed the addition of an extra operative paragraph, to be numbered paragraph 2, to read: "Recommends to all thematic special rapporteurs, special representatives, independent experts and working groups to pay particular attention, within the framework of their mandates, to the situation of indigenous people." The subsequent operative paragraphs would be renumbered accordingly.

35. Draft resolution E/CN.4/1993/L.66, as orally revised, was adopted.

Draft resolution on the report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1993/L.67)

36. Mr. MARANTZ (Canada), speaking on behalf of the sponsors of the draft resolution, which had been joined by the delegations of Brazil, Chile, Finland, Netherlands and Nigeria, said that the purpose of the resolution was to renew the mandate of the Working Group to enable it to consider principles pertinent to the development of standards relating to indigenous rights.

37. Most of the changes in the text of the 1992 resolution represented an updating or were designed to contribute to the effectiveness of the Working Group, although the last preambular paragraph and operative paragraph 10 represented a major development.

38. The second reading of the draft declaration was to be completed at the Working Group's eleventh session in 1993. The sponsors recognized the complexity of the issues and the diversity of opinion on them, and suggested a minor change to operative paragraph 10, namely, the insertion of "to make its best efforts" immediately after "Indigenous Populations" in the first line. In the light of the progress made, it was appropriate that the General Assembly should request the completion of the draft universal declaration on the rights of indigenous peoples in the Working Group.

39. The sponsors of the draft resolution were very much aware that the Working Group had an important mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous peoples. His own Government supported that view and considered that no option for the mandate of the Working Group should be excluded.

40. Mr. PEREZ NOVOA (Cuba) expressed his delegation's appreciation of the sponsors' flexibility during the negotiations on the draft resolution. He suggested that the change made to operative paragraph 10 might also usefully be introduced into operative paragraph 6 (a).

41. Mr. MARANTZ (Canada) accepted that suggestion.

42. Draft resolution E/CN.4/1993/L.67, as orally revised, was adopted without a vote.

43. The CHAIRMAN, referring to the draft decisions submitted to the Commission by the Sub-Commission (E/CN.4/1993/2, chap. I, sect. B), said that

draft decision 1 on the report of the Working Group on Contemporary Forms of Slavery would be considered under agenda item 24 and draft decision 2, on detention on Bougainville, under item 12. Draft decision 9 on a draft universal declaration on indigenous peoples and draft decision 10 on the International Year for the World's Indigenous People had become superfluous following the adoption of resolution E/CN.4/1993/L.66.

Draft decision 13 on a study on treaties, agreements and other constructive arrangements between States and indigenous populations

44. Draft decision 13 was adopted.

45. Mr. HESSEL (France) said, with reference to draft resolution E/CN.4/1993/L.67 and more particularly to the statement contained in the last preambular paragraph to the effect that in the future the Working Group's working languages would be English and Spanish only, that, while his delegation understood that the Working Group, of which his delegation was not a part, was trying to make rapid progress, it regretted that such a decision had been taken.

46. Mr. WEISSBRODT (United States of America) said that his delegation had been pleased to join the consensus on all the draft resolutions just adopted and to support the work of the Sub-Commission, particularly the study on the ongoing monitoring of states of emergency, the continuing study of the right to a fair trial and the important study on the impartiality of the judiciary. Those studies would have a genuine impact in discouraging Governments from resorting to states of emergency during which gross human rights violations often occurred and in providing the conditions for a fair trial and an independent judiciary.

47. His delegation's support for the Sub-Commission's efforts were nevertheless tempered by a number of concerns. The Sub-Commission's guidelines limited studies to 13 at any one time; that should help to focus the work on matters that really needed inquiry, for example, the study on minorities. Other studies should have a lower priority as a result. The Sub-Commission should also endeavour to reassess its work to see what concrete impact it was having in the protection of human rights in the world. Its studies should focus impartially on problems worldwide and not target specific areas, since while certain problems might be more frequent in such areas, neither the Sub-Commission nor the Commission should be blind to human rights violations wherever they occurred.

48. His delegation had supported draft resolution E/CN.4/1993/L.60 on the work of the Sub-Commission and welcomed the progress made in reforming its methods of work; it supported the paragraph reaffirming the 1992 text concerning the Sub-Commission's positive role in reviewing country situations. His delegation had also been pleased that there were no financial implications relating to that draft resolution.

49. With reference to the resolutions concerning the Working Group on Indigenous Populations, his delegation supported the efforts to ensure that indigenous populations had the right to exercise their human rights freely. The draft declaration would, however, need more consideration; the

Sub-Commission's study on treaties relating to indigenous peoples would be useful in that regard and should be completed by 1994.

50. His delegation had joined the consensus on draft resolution E/CN.4/1993/L.66 and had been pleased by the additional attention paid to indigenous populations, although it considered that the emphasis on certain aspects of human rights during the International Year for the World's Indigenous People had been misplaced and that more attention needed to be given to indigenous rights.

51. Mr. OYARCE (Chile), speaking with reference to draft resolution E/CN.4/1993/L.67, said that it was his delegation's understanding that the Working Group would do everything in its power to complete the draft declaration. Once that was done, the Working Group would be required to continue analysing the assessment process and progress in indigenous matters within the United Nations system in order to carry out its mandate to the full.

52. Mrs. RUESTA (Venezuela), speaking with reference to draft resolution E/CN.4/1993/L.60, said that, although the draft resolution was a balanced one, operative paragraph 4 had caused her delegation some problems; it had joined the consensus, but only welcomed the guidelines referred to in operative paragraph 4 and had not actually approved them, since they needed further study.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(agenda item 10) (continued) (E/CN.4/1993/L.46/Rev.1, L.48, L.49, L.52, L.53 and L.55-L.57; E/CN.4/1993/61, 63, 64; E/CN.4/1993/2-E/CN.4/Sub.2/1992, chap. I, sect. A, draft resolutions IV, V, VI and VIII, chap. I, sect. B, draft decisions 3, 8 and 11)

Draft resolution on human rights in the administration of justice (E/CN.4/1993/L.46/Rev.1)

53. Mr. MBURU (Kenya), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegation of the Sudan and the observer for Swaziland, said that the draft resolution had taken into account Commission resolutions regarding assistance in the field of the administration of justice and regional arrangements for the promotion and protection of human rights. It had also taken account of the relevant concerns expressed at the regional meeting for Africa, preparatory to the World Conference on Human

Rights, and the thirty-second session of the Asian African Legal Consultative Committee which had met in January 1993.

54. The administration of justice not only occupied a central role in the promotion and protection of human rights but also touched upon the rights and fundamental freedoms of people on an almost day-to-day basis. In the developing world, the police were insufficiently trained, ill-equipped, poorly paid and often lacked the capacity for proper investigation. Similarly, the judiciary was not adequately remunerated, court-houses were generally far removed from rural populations, record-keeping of proceedings was archaic, prison conditions did not meet the minimum standards, legal aid and advisory services were not available to the poor, and the offices of those responsible for advising Governments on legal matters suffered from a shortage of professional manpower.

55. The draft resolution thus reaffirmed that the rule of law and the administration of justice were prerequisites for sustainable economic and social development. In its preambular paragraphs, it took cognizance of the fundamental principles of the indivisibility and interdependence of human rights and fundamental freedoms and emphasized the primary role of the Government in ensuring their respect and protection. The sponsors of the draft resolution were disturbed that the silent majority of the people were the real victims of the inadequacies of the administration of justice and had, on a number of occasions, expressed their readiness to make more resources available for that purpose. Operative paragraphs 4 to 7 thus called for the strengthening of national and regional institutions concerned with the administration of justice.

56. In recognition of the crucial role that the international community had always played and the limited resources at the disposal of developing countries, operative paragraphs 8 and 9 of the draft resolution made a strong appeal to the international community for assistance and to the Secretary-General of the United Nations to consider favourably any requests for assistance in that regard.

57. Mr. HESSEL (France) said that the word "contexts" in the seventh preambular paragraph had been mistranslated into French as "particularités".

58. Draft resolution E/CN.4/1993/L.46/Rev.1 was adopted without a vote.

Draft resolution on the right to freedom of opinion and expression (E/CN.4/1993/L.48)

59. Ms. PARK (Canada), introducing the draft resolution on behalf of its sponsors, said that it reflected the thrust of resolutions adopted by the Commission in previous years by consensus. The right to freedom of opinion and expression was central to promoting both political rights and development and was an essential component of human dignity. Appointing a special rapporteur would demonstrate the Commission's continuing determination to protect that basic human right.

60. After consultations with interested delegations and with a view to reaching a consensus, the sponsors wished to make the following technical

changes to the draft resolution: in the first and second lines of the eighth preambular paragraph the words "to the protection of the right to freedom of opinion and expression" should be deleted, while, in the fifth line of the same paragraph, the words "has finished the first reading and" should be added after the words "working group". In the third line of operative paragraph 9, the word "particular" should be deleted; in the second line of operative paragraph 12 the word "whenever" should be replaced by "wherever"; and in the fifth line of the same paragraph, the words "as affirmed in the Universal Declaration and the Covenant" should be inserted after the word "opinion". At the end of operative paragraph 13, the words "as affirmed in the Universal Declaration and the Covenant" should be added and, in the fifth line of operative paragraph 18, the words "Governments concerned" should be replaced by "the Commission".

61. The sponsors hoped that those changes would enable the draft resolution to be adopted by consensus.

62. Mr. PACE (Secretary of the Commission) said that the delegations of Cyprus, Gambia, Germany, Japan, the Netherlands, Portugal, Romania, Uruguay and Zambia and the observers for Hungary and Switzerland had joined the list of sponsors.

63. Mr. ZHANG Yishan (China) said that a common understanding had been reached in the Commission that there were too many special rapporteurs and that the system should be rationalized, but the draft resolution proposed to appoint yet another special rapporteur. Moreover, the Commission's practice lacked balance, because the special rapporteurs ignored economic, social and cultural rights.

64. As the Commission would be restructured after the World Conference on Human Rights, any appointment of a special rapporteur should be postponed until after the Conference. Nevertheless, in view of the wishes of most delegations, his own would join the consensus on the draft resolution.

65. Mr. KHOURY (Syrian Arab Republic) said that the International Covenants on Human Rights were both of equal importance and should therefore receive equal attention, yet most special rapporteurs and working groups focused on only one of the two instruments. The Conference should endeavour to overcome that imbalance.

66. Mr. ALFONSO MARTINEZ (Cuba) said that his delegation would have preferred further consultations with the sponsors so as to improve the text of the draft resolution. It was most unfortunate that it had not become available in all languages at the same time.

67. In his delegation's view, there was an inconsistency between operative paragraphs 1 and 2, which spoke of detention "in many parts of the world", and operative paragraph 6, which referred more reasonably to the fact that such detention occurred in "all parts of the world". For consistency's sake, the former paragraphs should be brought into line with the latter. Furthermore, the words "where appropriate" should be added to all references in the draft resolution to the International Covenant on Civil and Political Rights to allow for the fact that not all States were parties to that instrument.

68. Mr. TABATABAEE (Islamic Republic of Iran) said he agreed with the representatives of China, the Syrian Arab Republic and Cuba. His delegation was concerned about certain formulations in the text. It had received the text quite late, and would have liked to have had more time to consider it.

69. Mr. KHAN (Pakistan) said that his delegation had reservations about operative paragraph 11. The proliferation of special rapporteurs was a matter of deep concern to his Government.

70. Mr. HERRÁN-LIMA (Canada) said, with reference to the remarks made by the representative of Cuba, that the wording of operative paragraphs 1, 2 and 6 had been taken from the resolution on the subject adopted by the Commission in 1992 by consensus. As for the International Covenant on Civil and Political Rights, it was well-known that certain States had not yet acceded to that instrument and, consequently, under international law, were not covered by it.

71. Draft resolution E/CN.4/1993/L.48, as orally revised, was adopted without a vote.

Draft resolution on human rights and forensic science (E/CN.4/1993/L.49)

72. Mr. BOITCHENKO (Russian Federation), introducing the draft resolution on behalf of its sponsors, said that its purpose was to help put an end to serious human rights violations in connection with extrajudicial executions, involuntary disappearances, torture, etc. Experience in recent years had shown that, for lack of trained specialists, it was difficult for international organizations and national institutions to ensure the administration of justice. In view of the importance of the subject and the need for international cooperation, his delegation hoped that the draft resolution would enjoy unanimous support.

73. Mr. PACE (Secretary of the Commission) said that operative paragraphs 2 and 3 of the draft resolution would entail an estimated cost of US$ 71,500; the statement of financial implications would be circulated as document E/CN/4.1993/L.108.

74. Draft resolution E/CN.4/1993/L.49 was adopted.

Draft resolution on the question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1993/L.52)

75. Mr. RODRIGUEZ ALPIZAR (Costa Rica), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Australia, Romania and the United States of America and the observer for the Dominican Republic, reviewed the salient points of the text. As the open-ended working group had not yet formulated its conclusions, the Commission would request it to meet between sessions for a period of two weeks prior to the fiftieth session of the Commission in order to continue its work and submit a report to the Commission.

76. Mr. KHOURY (Syrian Arab Republic) said he disagreed with the sixth preambular paragraph; periodic visits did not constitute the fundamental motivation for the continuation of the efforts of the working group.

77. Draft resolution E/CN.4/1993/L.52 was adopted.

Draft resolution on the question of enforced or involuntary disappearances (E/CN.4/1993/L.53)

78. Mr. HESSEL (France), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Gambia, Romania and the United States of America and the observers for Cameroon and the Philippines, reviewed its main points. There was a small change to be made: the words "and to collaborate closely with the Governments concerned to find and identify those children" should be inserted at the end of operative paragraph 18.

79. Draft resolution E/CN.4/1993/L.53 was adopted.

Draft resolution on the question of arbitrary detention (E/CN.4/1993/L.55)

80. Mr. HESSEL (France), introducing the draft resolution on behalf of its sponsors, recalled that the Chairman of the Commission had himself submitted resolution 1991/42 two years previously, establishing a Working Group on Arbitrary Detention. In 1992, the Commission had welcomed the very prompt establishment of the Working Group, consisting of five outstanding experts from all parts of the world. The purpose of the current draft resolution was to take note of the Working Group's first substantial report (E/CN.4/1993/24).

81. The five experts had carried out their task with intelligence and conscientiousness, stressing three aspects of their work: cooperation with all parties concerned in the cases brought to their attention; coordination with all relevant existing bodies; and the prevention of problems connected with the arbitrary deprivation of liberty.

82. The experts had, however, to be supported in their efforts to intensify their dialogue with States. That was the object of the draft resolution, in which all the new paragraphs reflected recommendations contained in the report and were designed either to secure the greatest objectivity for the Working Group, to strengthen its coordination with other bodies, or to pursue and reinforce its dialogue with States, in particular by referring to the possibility of visits to countries which would like to receive it. The delegations of Germany, Tunisia and the United States of America and the observers for Norway and the Philippines wished to be added to the list of sponsors.

83. Mr. PACE (Secretary of the Commission) said that, in addition to the information given in the original statement of financial implications on the occasion of the establishment of the Working Group, the funds required to cover field missions in 1993 would amount to US$ 192,800.

84. Draft resolution E/CN.4/1993/L.55 was adopted.

Draft resolution on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1993/L.56)

85. Mr. SORMUNEN (Finland), introducing the draft resolution on behalf of its sponsors, told the Commission that, as on 10 December 1992, 71 States had ratified and another 16 had signed the Convention against Torture. The draft resolution before the Commission urged all those States which had not yet done so to become parties to the Convention. The important functions of the Committee against Torture were examined, and stress was laid on the request that it should be provided with adequate staff and other resources in the Centre for Human Rights.

86. The draft resolution also encouraged the States parties to accept the amendments to articles 17 and 18 of the Convention enabling members of the Committee to receive emoluments from the United Nations regular budget. Finally, the importance of the observance by States parties of their financial obligations under the Convention was re-emphasized.

87. The delegations of Canada, Costa Rica and Venezuela wished to be added to the list of sponsors, while the delegation of the United States of America wished to withdraw.

88. The draft resolution E/CN.4/1993/L.56 was adopted.

Draft resolution on the United Nations Voluntary Fund for Victims of Torture (E/CN.4/1993/L.57)

89. Mr. SORMUNEN (Finland), introducing the draft resolution on behalf of its sponsors, said that the text was based on the conviction that the campaign against torture included the provision of assistance to the victims of torture and to their families. The Voluntary Fund had been established to serve that purpose.

90. To be able to respond to the increasing number of requests for assistance, the Fund needed further contributions on a regular basis. In addition, sufficient staff and computer equipment were needed in the Centre for Human Rights to guarantee the Fund's effective functioning. Consequently, the draft resolution requested that those needs be met.

91. At the same time, appreciation was extended to those already contributing to the Fund. The delegations of Gambia and Tunisia and the observer for Cameroon wished to be added to the list of sponsors.

92. Draft resolution E/CN.4/1993/L.56 was adopted.

Draft resolution on staff members of the United Nations and of the specialized agencies in detention (E/CN.4/1993/L.61)

93. Mr. CABRAL (Portugal), introducing the draft resolution on behalf of its sponsors, said that the question of respect for the human rights and the privileges and immunities of United Nations staff members must continue to be of the utmost importance of the Commission, which had special responsibilities on that issue not only for humanitarian reasons but also because an important

part of its work was based on information obtained in loco by working groups, special rapporteurs, experts and all the other staff members that supported their activities. The objectivity and impartiality of the reports submitted to the Commission were incompatible with any kind of pressure upon those individuals.

94. The text before the Commission followed the same lines as that it had adopted in 1992, but contained some new elements in order to take account of developments that had occurred in the interim. In that context, he drew attention to operative paragraph 1, which took note with interest of the updated report of the Secretary-General, to operative paragraph 2, which took note of the final report submitted to the Sub-Commission by its Special Rapporteur, to whom the sponsors wished to pay special tribute, and to operative paragraph 3, which requested the Secretary-General to take steps aimed at ensuring the application of the recommendations contained in her report. On the negative side, the new sixth preliminary paragraph expressed grave concern that a significant number of United Nations staff members had been killed since January 1992.

95. He wished to propose a very small oral revision which should not cause difficulty to any delegation. In the second line of operative paragraph 5, the sponsors would like to insert the word "security" after the words "human rights". If the draft resolution were adopted, the Commission would not need to take action on draft resolution IV referred to it by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The delegations of Australia, Germany and the Republic of Korea and the observers for Cameroon and Slovakia wished to be added to the list of sponsors.

96. Draft resolution E/CN.4/1993/L.61, as orally revised, was adopted.

Draft resolution on torture and other cruel, inhuman or degrading treatment or punishment (E/CN.4/1993/L.63)

97. Mr. REYN (Observer for Belgium), introducing the draft resolution on behalf of its sponsors, said that recourse to torture constituted one of the most serious violations of human rights and must be universally condemned. The principle of the prohibition of torture continued to be flouted in far too many countries. The sponsors attached particular importance to the work of the Special Rapporteur on questions relevant to torture and were concerned to initiate an open dialogue with States to invite them to take the necessary measures to put an end to it.

98. The preamble recalled the Commission's interest in the eradication of torture and listed the various instruments available to the international community to attain that objective. The operative part was based on the contents of Commission resolution 1992/32 and on the recommendations contained in the Special Rapporteur's report (E/CN.4/1993/26).

99. The sponsors wished to make some technical revisions concerning the designation of a new Special Rapporteur. A new operative paragraph 23 should be inserted, reading "Takes note with regret of the resignation of Mr. Kooijmans as Special Rapporteur and expresses its gratitude to him for the manner in which he has discharged his functions". A new operative

paragraph 24 would read: "Requests the Chairman of the Commission, after consulting with the Bureau, to appoint an individual of recognized international standing as a Special Rapporteur". The delegations of the United States of America and the observers for the Philippines and Slovakia wished to be added to the list of sponsors.

100. Mr. PÉREZ NOVOA thanked the sponsors for the flexibility and understanding they had shown in meeting some of the concerns expressed by his delegation with respect to the draft resolution.

101. Draft resolution E/CN.4/1993/L.63, as orally revised, was adopted.

Draft resolution on human rights in the administration of justice (E/CN.4/1993/L.64)

102. Mr. THEUERMANN (Austria), introducing the draft resolution on behalf of its sponsors, said that the text followed similar resolutions on the subject adopted annually by the Commission on Human Rights and biennially by the General Assembly. It reaffirmed the importance of the full and effective implementation of all United Nations standards in the administration of justice and reiterated the call to all Member States to spare no efforts in that regard.

103. It called upon the Commission's subsidiary bodies to give special attention to questions relating to the effective protection of human rights in the administration of justice and stressed the desirability of providing States with assistance, in particular under the advisory services programme. Finally, it referred to the need for enhanced cooperation between the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice.

104. The Commission on Human Rights had just adopted another resolution on human rights in the administration of justice (E/CN.4/1993/L.46) with particular reference to Africa and other developing countries. Whereas that text, in following up the respective conclusions of the Regional Meeting for Africa of the World Conference on Human Rights dealt with the administration of justice especially in Africa and other developing countries and with the need for assistance by the international community in that context, the draft resolution currently before the Commission dealt with those questions in a more general and universal manner, addressing in the first instance the United Nations system itself.

105. The two texts were both important, fully compatible and mutually reinforcing. The observers for Norway and Slovakia wished to be added to the list of sponsors.

106. Draft resolution E/CN.4/1993/L.64 was adopted.

107. The CHAIRMAN drew attention to the draft resolutions submitted to the Commission by the Sub-Commission including No. IV entitled "Question of human rights and states of emergency", No. V entitled "Question of the impunity of perpetrators of violations of human rights", and No. VIII entitled "Independence and impartiality of the judiciary, jurors and assessors and the

independence of lawyers" (E/CN.4/1993/2-E/CN.4/Sub.2/1992/58, chap. I, sect. A). Draft resolution No. VI entitled "Violation of the human rights of staff members of the United Nations system and other persons acting under the authority of the United Nations" had become redundant, since the Commission had already adopted draft resolution E/CN.4/1993/L.61.

Draft resolution IV

108. Mr. PACE (Secretary of the Commission) said that the financial implications would amount to US$ 16,375, to enable the Special Rapporteur to travel to Geneva and to be assisted by a specialist for a period of three months.

109. Draft resolution IV was adopted.

Draft resolution V

110. Mr. PACE (Secretary of the Commission) said that the estimated amount needed to implement that draft resolution would be approximately US$ 20,100 for 1993 and US$ 20,500 for 1994, representing travel for the Special Rapporteurs for consultations and expert assistance for the equivalent of three months.

111. Draft resolution V was adopted.

Draft resolution VIII

112. Mr. PACE (Secretary of the Commission) said that the estimated sum needed to implement the draft resolution would be US$ 15,400 for 1993 to facilitate the travel of the Special Rapporteur for consultations with the Centre for Social Development and Humanitarian Affairs in Vienna and for consultancy support in the amount of US$ 10,200.

113. Draft resolution VIII was adopted.

114. The CHAIRMAN drew attention to draft decisions No. 3 entitled "Right to a fair trial", No. 8 entitled "The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms" and No. 11 entitled "Study of the issue of the privatization of prisons" recommended to the Commission by the Sub-Commission and contained in chapter I, section B of the same document.

115. Draft decisions 3, 8 and 11 were adopted.

The meeting rose at 6.15 p.m.